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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,235	12/15/2003	Jui-Jung Chuo	2450-0604P	8623
2292	7590	09/27/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			IZAGUIRRE, ISMAEL	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

JW

<b>Office Action Summary</b>	Application No. 10/734,235	Applicant(s) CHUO, JUI-JUNG	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>marked-up copy of claims</u> .         |

**DETAILED ACTION**

***CLAIMS***

***Summary***

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2-10 are the dependent claims under consideration in this Office Action.

***Claim Language***

Claim 1 includes the word "saidsecond" in lines 22,25,27 and 28. This should be replaced by the words "said" and "second".

***Claim Rejections - 35 U.S.C. § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2-8 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to these claims, these claims include misspelled words, such as in claim 2, third to the last line, "firth".

These claims include instances of the discrepancy "saidsecond" and "saidfirst". Steps should be taken to correct this.

These claims include words that lack a proper antecedent basis, such as in claim 2, fourth line, "said seventh crank".

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The examiner is providing a marked-up copy of the claims noting the misspelled words by "circles" and words that lack proper antecedent basis by "underlining".

Applicant is asked to use this as a guide and to further review the language of all the claims in case the examiner has "missed" instances other than those noted on the marked-up copies.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hacklander et al. (2,158,562) in view of Albrecht et al. (5,05,504).

Hacklander et al. disclose the invention substantially as claimed. Hacklander et al. teach a transverse longitudinal cylinder sewing machine (figures 1, 2 and 8, for example). The sewing comprises an automatic thread loosening device 139, a tension adjustment mechanism 135-145 (figure 1), a material cutter 127 (figure 2) for assuring the edges of the material being sewn are neat and trimmed, and a differential fabric driving teeth displacement control device. The device includes a primary transmission mechanism 12 (figure 3), first and second push mechanisms 76 and 43, first and second adjustment mechanisms 36 and 40 (figures 2 and 16) and a rocking mechanism

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47 and 35 driven by the primary, first and second fabric driving mechanisms 25 and 26 having teeth (figures 11 and 12). The first and second driving mechanisms are connected to first and second push arms 33 and 34 for driving the material through the sewing area. Wherein the first and second driving mechanisms are normal to other mechanism (figure 1) and form chained movements and controlling the movement of the first and second material driving mechanisms. However, Hacklander et al. do not suggest the material cutter being an automatic thread cutter driven by a solenoid.

Albrecht et al. teach a sewing machine including instrumentalities for forming stitches and teaches an automatic thread cutter 33 for catching and cutting the threads after a sewing operation. Further, Albrecht et al. teach the thread cutter as including a driving means including a solenoid 85 (column 5, line 19).

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the sewing machine of Hacklander et al. as including a solenoid driven thread cutter. Providing such a device would assure the formation of a neat and trim seam in the material being sewn. Providing an electrical source for the driving of the cutter would assure a proper timing of the cutter and avoid cranks and cams connected to a main shaft of the sewing machine, as well.

#### ***ALLOWABLE SUBJECT MATTER***

Claims 2-8 and 10 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

### ***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Voe and Smith illustrate differential driving arrangements for material feeding devices (feed dogs). Rubel illustrates a lubrication arrangement for a sewing machine. Ebert illustrates a transverse longitudinal cylinder sewing machine with a differential feed mechanism. Marforio illustrates a sewing machine including a thread tension means, thread loosening means, and thread cutting means.

### ***INQUIRIES***

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.



**Ismael Izaguirre  
Primary Examiner  
Group Art Unit 3765**